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## NOTICE OF ALLOWANCE AND FEE(S) DUE

21874 7590 10/01/2008

EDWARDS ANGELL PALMER & DODGE LLP  
P.O. BOX 55874  
BOSTON, MA 02205

EXAMINER

JIANG, DONG

ART UNIT

PAPER NUMBER

1646

DATE MAILED: 10/01/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/555,074

10/28/2005

Kazuhisa Sugimura

64395(70904)

3084

TITLE OF INVENTION: HUMAN ANTI-HUMAN INTERLEUKIN-18 ANTIBODY, FRAGMENT THEREOF AND METHOD FOR USING SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	01/02/2009

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

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Commissioner for Patents  
P.O. Box 1450  
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

21874 7590 10/01/2008

**EDWARDS ANGELL PALMER & DODGE LLP**  
P.O. BOX 55874  
BOSTON, MA 02205

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,074	10/28/2005	Kazuhisa Sugimura	64395(70904)	3084

TITLE OF INVENTION: HUMAN ANTI-HUMAN INTERLEUKIN-18 ANTIBODY, FRAGMENT THEREOF AND METHOD FOR USING SAME

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	01/02/2009

EXAMINER	ART UNIT	CLASS-SUBCLASS
JIANG, DONG	1646	530-388150

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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10/555,074	10/28/2005	Kazuhisa Sugimura	64395(70904)	3084
21874	7590	10/01/2008	EXAMINER	
EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205			JIANG, DONG	
			ART UNIT	PAPER NUMBER
			1646	
DATE MAILED: 10/01/2008				

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 173 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 173 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/555,074

Examiner

DONG JIANG

Applicant(s)

SUGIMURA ET AL.

Art Unit

1646

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 6/24/08.
2. ☒ The allowed claim(s) is/are 1-3, 7-14, 16, 25-27, 29, 31, 32, 35, 36 and 40-47 to issue as claims 1-3, 10, 11, 15-17, 4, 5, 21, 6, 12-14, 7, 19, 20, 22, 18, 8, 9, 25, 27, 24, 23, 26 and 28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☒ None of the:
- ☒ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                    |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance              |
|  | 9. <input type="checkbox"/> Other _____.   |

Art Unit: 1646

### **EXAMINER'S AMENDMENT**

Applicant's amendment filed on 24 June 2008 is acknowledged and entered. Following the amendment, claims 33, 34 and 37-39 are canceled, claims 7-14, 25-27, 31, 32, 35, 36, 42 and 43 are amended, and the new claims 44-47 are added.

Currently, claims 1-3, 7-14, 16, 25-27, 29, 31, 32, 35, 36 and 40-47 are pending and under consideration.

#### **Withdrawal of Objections and Rejections:**

All objections and rejections of claims 33, 34 and 37-39 are moot as the applicant has canceled the claims.

The rejection of claim 10 under 35 U.S.C. 101, for being directed to non-statutory subject matter is withdrawn in view of applicant's amendment.

The rejection of claims 13, 14, 27, 29, 35 and 40-43 under 35 U.S.C. 112, second paragraph, as being indefinite is withdrawn in view of applicant's amendment.

The lack of written description rejection of claims 7-13, 16, 25-27, 29, 31, 32, 36, 40 and 41 under 35 U.S.C. 112, first paragraph are withdrawn in view of applicant's amendment.

The prior art rejection of claims 12, 16, 29, 40 and 41 under 35 U.S.C. 102(b) as being anticipated by Ghayur et al. (WO 01/589565) is withdrawn in view of applicant's amendment.

The prior art rejection of claim 13 under 35 U.S.C. 103(a) as being unpatentable over Ghayur et al. (WO 01/589565 A2) is withdrawn in view of applicant's amendment.

#### **Examiner's Amendment**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Art Unit: 1646

Authorization for this examiner's amendment was given in a telephone interview with Jonathan Sparks on 24 September 2008.

The application has been amended as follows:

Claim 2: line 2, the words "an amino-acid" have been replaced by -- the amino-acid --; and in line 4, the words "an amino-acid" have been replaced by -- the amino-acid --.

Claim 3: line 2, the words "an amino-acid" have been replaced by -- the amino-acid --; and in line 4, the words "an amino-acid" have been replaced by -- the amino-acid --.

Claim 8: line 2, "1 or 7" has been replaced by -- 1 and 7 --.

Claim 12: line 2, the words "or 37-39" have been deleted.

Claim 13: line 2, the word -- comprising -- has been added after "a test sample".

Claim 14: the content has been replaced by the following:

-- 14. A method for diagnosing an immunological disease associated with increased IL-18 comprising: measuring the amount of human interleukin-18 contained in a test sample by using a human antibody comprising:

human immunoglobulin VH-chain CDR1, CDR2, and CDR3 of a polypeptide consisting of amino-acid sequences represented by SEQ ID NOS: 4, 5, and 6, respectively; and

human immunoglobulin VL-chain CDR1, CDR2, and CDR3 of a peptide consisting of amino-acid sequences represented by SEQ ID NOS: 10, 11, and 12, respectively. --

Claim 16: line 3, the words "or 37-39" have been deleted.

Claim 29: the content has been replaced by the following:

-- 29. The human interleukin-18 activity inhibitor according to Claim 16, which is used for treating an immunological disease associated with increased IL-18. --

Claim 31: line 3, the words "an amino-acid" have been replaced by -- the amino-acid --; and in line 5, the words "an amino-acid" have been replaced by -- the amino-acid --.

Claim 32: line 3, the words "an amino-acid" have been replaced by -- the amino-acid --; and in line 4, the words "an amino-acid" have been replaced by -- the amino-acid --.

Claim 35: the content has been replaced by the following:

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-- 35. The method according to claim 14, wherein the antibody is a human anti-human interleukin-18 antibody having (1) binding activity to human interleukin-18 and (2) inhibitory activity for human interleukin-18. --

Claim 36: the content has been replaced by the following:

-- 36. The isolated cDNA according to claim 7, wherein the cDNA encodes a human anti-human interleukin-18 antibody having (1) binding activity to human interleukin-18 and (2) inhibitory activity for human interleukin-18. --

Claim 40: line 2, the words "cytokines produced" have been replaced by -- cytokine production --.

Claim 42: the content has been replaced by the following:

-- 42. A method for diagnosing an immunological disease associated with increased IL-18, comprising measuring the amount of human interleukin-18 contained in a test sample by using a human antibody comprising:

a polypeptide consisting of the amino-acid sequence represented by SEQ ID NO: 3; and

a polypeptide consisting of the amino-acid sequence represented by SEQ ID NO: 9.

--

Claim 43: the content has been replaced by the following:

-- 43. A method for diagnosing an immunological disease associated with increased IL-18, comprising measuring the amount of human interleukin-18 contained in a test sample by using a human antibody comprising: a ligation of a polypeptide consisting of the amino-acid sequence represented by SEQ ID NO: 3 and a polypeptide consisting of the amino-acid sequence represented by SEQ ID NO: 9. --

**Conclusion:**

Claims 1-3, 7-14, 16, 25-27, 29, 31, 32, 35, 36 and 40-47 are allowed.

The allowed claims 1-3, 7-14, 16, 25-27, 29, 31, 32, 35, 36 and 40-47 have been renumbered for issuance as the following:

Current claim number

1

Issuance number

1

Art Unit: 1646

2	2
3	3
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**Advisory Information**

Any inquiry concerning this communication should be directed to Dong Jiang whose telephone number is 571-272-0872. The examiner can normally be reached on Monday - Friday from 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Nickol, can be reached on 571-272-0835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dong Jiang/, Ph.D.  
Primary Examiner, Art Unit 1646  
9/24/08